

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

JACKY STEWART and BRANDY
ANDERSON, Individually, and on behalf
of all other similarly situated,

Plaintiffs,

v.

No. 15-1162

FLOWERS FOODS, INC., and FLOWERS
BAKING CO. OF BATESVILLE, LLC,

Defendants.

**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
DISMISSING DEFENDANTS' MOTION TO FILE SURREPLY,
AND IMPOSING DEADLINE FOR PLAINTIFFS TO FILE AMENDED COMPLAINT**

On December 15, 2015, the above named Plaintiffs, Jacky Stewart and Brandy Anderson, filed a motion for conditional class certification, (D.E. 40), which was referred to United States Magistrate Judge Edward G. Bryant on December 29, 2015, (D.E. 44). In a report and recommendation entered on August 12, 2016, Judge Bryant recommended that certification be granted for all current and former distributors at Flowers Baking Company of Batesville's Tennessee warehouses but that nationwide certification be denied. (D.E. 81 at PageID 1079.) He further recommended that the parties be directed to file a revised, agreed-upon notice. (*Id.*) As of this date, no objections to the report and recommendation have been filed, and the deadline for doing so has passed. *See* 28 U.S.C. § 636(b)(1).

Upon review of the report and motion papers, the report and recommendation is ADOPTED as the order of the Court. The Plaintiffs' motion for conditional certification is

GRANTED in part and DENIED in part, and the parties are ordered to file a revised, agreed-upon notice in accordance with the Court's ruling within fourteen days.

Furthermore, Defendants' pending Motion for Leave to File Surreply in Opposition to Plaintiffs' Motion for Conditional Certification, (D.E. 76), is DISMISSED as moot.

Finally, in an order of this Court dated August 22, 2016, Plaintiffs were directed to file an amended complaint, (D.E. 84.), but as of this date, one has not been filed. Plaintiffs are hereby DIRECTED to file their amended complaint by September 28, 2016.

IT IS SO ORDERED this 20th day of September 2016.

s/ J. DANIEL BREEN
CHIEF UNITED STATES DISTRICT JUDGE